



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

FILLMORE FIELD OFFICE

35 East 500 North  
Fillmore, Utah 84631



In Reply Refer to:  
3809 (UT-010)  
UTU-075884

June 19, 2008

RECEIVED

JUN 23 2008

DEPT OF OIL, GAS & MINERAL

CERTIFIED MAIL # 7008 0150 0001 3253 2221  
RETURN RECEIPT REQUESTED

## NOTICE

UNIQUE MINERALS INC.	:	43 CFR 3809.116(c)
ATTN: GERALD LARRY MCCURDY	:	DETERMINATION OF OPERATOR'S
18458 W CARTER CIR	:	LIABILITY, AND
CEDAR VALLEY, UT 84103	:	43 CFR 3809.333
	:	EXPIRATION OF NOTICE AND
	:	REQUIREMENT TO COMMENCE
	:	RECLAMATION

## Reclamation Required

The Fillmore Field Office (FFO), Bureau of Land Management (BLM) received your proposed notice level operation located in T 17 S., R. 13 W., SLM, sec 24, and serialized as UTU-075884 in 1998. On December 8, 2003, Larry McCurdy and Dick Stone received a decision letter notification that Notice UTU 075884 had expired and that reclamation of the site was required. Then on January 15, 2004 a notice of noncompliance was sent to Dick Stone doing business as Unique Minerals with an order to commence reclamation. On February 13, 2004 you responded to the order with a telephone call and letter to the FFO indicating you were in the process of filing a Plan of Operation and reclamation bond for the site. No further contact was received until the FFO sent the next decision letter, dated April 26, 2007, again notifying you that the notice had expired and reclamation of the site required. You responded by telephone that Unique Minerals no longer held the claims.

The FFO failed to respond to your call and as a result this decision letter is being sent to clarify your reclamation responsibility. The fact that you no longer hold the claims does not relieve you of the reclamation responsibility.

Under the current surface management regulations a notice is approved for two years and requires that a reclamation bond be posted for disturbance of the site. Following this an extension must be filed with this office. UTU-075884 was last extended on August 19, 1999, and expired on August 19, 2001. No reclamation bond has ever been posted. At this time reclamation is the only permitted activity on this site.

Reclamation responsibilities extend beyond the expiration of your notice until such a time as the BLM determines that the reclamation is satisfactorily complete. Failure to begin reclamation promptly or failure to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 3809.701.

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The Surface Management Regulations define the mining claimant or operator responsibility under 43 CFR 3809.116, which states:

- (a) Mining claimants and operators (if other than the mining claimant) are liable for obligations under this subpart that accrue while they hold their interests.
- (b) Relinquishment, forfeiture, or abandonment of a mining claim does not relieve a mining claimant's or operator's responsibility under this subpart for obligations that accrued or conditions that were created while the mining claimant or operator was responsible for operations conducted on that mining claim or in the project area.
- (c) Transfer of a mining claim or operation does not relieve a mining claimant's or operator's responsibility under this subpart for obligations that accrued or conditions that were created while the mining claimant or operator was responsible for operations conducted on that mining claim or in the project area until --
  - (1) BLM receives documentation that a transferee accepts responsibility for the transferor's previously accrued obligations, and
  - (2) BLM accepts an adequate replacement financial guarantee adequate to cover such previously accrued obligations and the transferee's new obligations.

On April 23, 2008 an inspection of the site of this notice was performed. The site was found to be in need of reclamation. You must begin reclamation on this operation within 45 days of your receipt of this letter and complete said reclamation by October 30, 2008, unless you contact this office and gain approval to postpone commencement. Failure to begin reclamation within the 45 day time frame or failure to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 3809.701.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.800, you may request that the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at 35 East 500 North, Fillmore, Utah 84631 within 30 days from the receipt of this decision. The appellant has the burden of showing proof that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed

below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the IBLA and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm in the stay is not granted, and
4. Whether the public interest favors granting the stay.

Should you have any questions or concerns regarding this notice please feel free to contact Jerry Mansfield, FFO Geologist, at (435) 743-3125.

Sincerely,

  
for Sherry K. Hirst  
Field Office Manager

Enclosures:

Form 1842-1

cc:

Tom Monson  
UDOGM (S/027/074)  
1594 W North Temple Ste 1210  
Salt Lake City UT 84114-5801

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,  
AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

**1. NOTICE OF  
APPEAL.....**

A person served with the decision being appealed must transmit the notice of appeal in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a notice of appeal in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).

**2. WHERE TO FILE  
NOTICE OF APPEAL.....**

WITH COPY TO  
SOLICITOR...

**3. STATEMENT OF REASONS**

Within 30 days after filing the Notice of Appeal, File a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO  
SOLICITOR.....

**4. ADVERSE PARTIES.....**

Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the Notice of Appeal, (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413). If the decision concerns the use and disposition of public lands, including land selections under the Alaska Native Claims Settlement Act, as amended, service will be made upon the Associated Solicitor, Division of Land and Water Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. If the decision concerns the use and disposition of mineral resources, service will be made upon the Associated Solicitor, Division of Mineral Resources, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240.

**5. PROOF OF SERVICE.....**

Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).

**6. REQUEST FOR STAY.....**

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a *Notice of Appeal* (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your notice of appeal (43 CFR 4.21 or 43 CFR 2804.1). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the *Notice of Appeal* and *Petition for a Stay* must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay. Except as other provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, subpart b for general rules relating to procedures and practice involving appeals.

#### 43 CFR SUBPART 1821—GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

##### STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska  
Arizona State Office ----- Arizona  
California State Office ----- California  
Colorado State Office ----- Colorado  
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River  
Idaho State Office ----- Idaho  
Montana State Office ----- Montana, North Dakota and South Dakota  
Nevada State Office ----- Nevada  
New Mexico State Office ----- New Mexico, Kansas, Oklahoma and Texas  
Oregon State Office ----- Oregon and Washington  
Utah State Office ----- Utah  
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

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(Form 1842-1, September 2005)